

*** NOT FOR PUBLICATION ***

NO. 26573

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HIEN QUANG LE, Plaintiff-Appellant

vs.

DR. ROY CHEN-JEN, Defendant-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 03-1-2435)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the circuit court's May 4, 2004 order dismissing Civil No. 03-1-2435 has not been reduced to a separate judgment, as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994). Thus, this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, September 16, 2004.